

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Stipulated Surrender Against:

PATRICIA A. SCHMIDT
1006 Long Blvd
Garden City, KS 67846

2108 N. Campus Drive 2
Garden City, KS 67846

Registered Nurse License No. 594123

Respondent

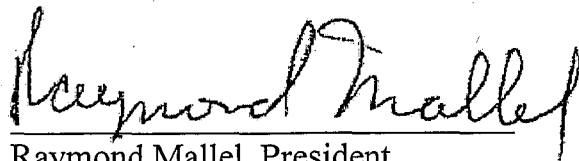
Case No. 2013-908

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 15, 2013.**

IT IS SO ORDERED **April 15, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Stipulated Surrender of
License by:

13 **PATRICIA A. SCHMIDT**
14 **1006 Long Blvd**
Garden City, KS 67846

15 **2108 N. Campus Drive 2**
Garden City, KS 67846

16 **Registered Nurse License No. 594123**

17 Respondent.

Case No. *2013-908*

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

(Business & Professions Code Section 2751)

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. (Complainant), is the Executive Officer of the Board
22 of Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely
23 in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
24 the State of California, by Geoffrey Ward, Deputy Attorney General.

25 2. Patricia A. Schmidt (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.
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3. On or about January 31, 2002, the Board issued Registered Nurse License No. 594123 to Patricia A. Schmidt (Respondent). The license expired on April 30, 2005 and has not been renewed.

JURISDICTION

4. The Board retains jurisdiction over expired licenses under Business and Professions Code sections 118(b) and 2764.

SETTLEMENT AUTHORITY

5. Business and Professions Code section 2751 provides the Board authority to accept the voluntary surrender of a registered nursing license due to a nurse's illness:

“(a) Notwithstanding any other law, the board may, in its discretion, accept the surrender of a license through a stipulated agreement in the absence of a pleading when the ability of a registered nurse to practice nursing safely is impaired due to mental or physical illness.

“(b) This alternative proceeding shall apply only to cases that would otherwise have been processed pursuant to Section 820.¹

“(c) Until the time that the licensee signs the stipulated agreement for license surrender, he or she may elect to have the disciplinary process conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

“(d) The stipulated agreement in this alternative proceeding shall specify that:

“(1) The license surrender shall be public information and shall be considered a disciplinary action.

“(2) The licensee may petition the board for reinstatement after a period of not less than one year after the effective date of the decision.

Section 2760.1. “(3) Any reinstatement proceeding shall be conducted pursuant to

“(4) Upon seeking reinstatement, it is the responsibility of the former licensee to submit competent evidence of the ability to safely and competently practice as a registered nurse.”

¹ Business and Professions Code section 820 authorizes licensing agencies to order examination of a licensee by agency-designated physicians or psychologists “[w]henver it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency. . . The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

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7. Respondent is fully aware of her legal rights in this matter, including the right to be represented by counsel at her own expense; the right to elect formal administrative adjudication of this matter following the Board's filing of a pleading; and all the other rights accorded by the California Administrative Procedure Act pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

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1 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
2 be disqualified from further action by having considered this matter.

3 13. The parties understand and agree that facsimile copies of this surrender of license and
4 order, including facsimile signatures thereto, shall have the same force and effect as the originals.

5 14. This Stipulated Surrender of License and Order is intended by the parties to be an
6 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
7 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
8 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
9 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
10 executed by an authorized representative of each of the parties.

11 15. In consideration of the foregoing admissions and stipulations, the parties agree that
12 the Board may, without further notice or formal proceeding, issue and enter the following Order:

13 **ORDER**

14 IT IS HEREBY ORDERED that Registered Nurse License No. 594123, issued to
15 Respondent Patricia A. Schmidt, is surrendered and accepted by the Board of Registered Nursing.

16 1. The surrender of Respondent's license and the acceptance of the surrendered license
17 by the Board shall be public information and shall constitute the imposition of discipline against
18 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
19 Respondent's license history with the Board.

20 2. Respondent shall lose all rights and privileges as a registered nurse in California as of
21 the effective date of the Board's Decision and Order.

22 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
23 issued, her wall license certificate on or before the effective date of the Decision and Order.

24 4. If Respondent ever files an application for licensure or a petition for reinstatement in
25 the State of California, the Board shall treat it as a petition for reinstatement. Any reinstatement
26 proceeding shall be conducted pursuant to Business and Professions Code section 2760.1.
27 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
28 revoked license in effect at the time the petition is filed, and all of the admissions and stipulations

1 contained in this Stipulated Surrender of License and Disciplinary Order shall be deemed to be
2 true, correct and admitted by Respondent when the Board determines whether to grant or deny the
3 petition. Upon seeking reinstatement, it is the responsibility of the former licensee to submit
4 competent evidence of her ability to safely and competently practice as a registered nurse.

5 5. Respondent shall not apply for licensure or petition for reinstatement for one year
6 from the effective date of the Board of Registered Nursing's Decision and Order.

7 ACCEPTANCE

8 I have carefully read the Stipulated Surrender of License and Order. I understand the
9 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
10 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
11 by the Decision and Order of the Board of Registered Nursing.

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13 DATED:

11-26-12

Patricia A. Schmidt

PATRICIA A. SCHMIDT

Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
18 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

19 Dated:

11/16/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

[Signature]
GEOFFREY WARD
Deputy Attorney General
Attorneys for Complainant

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